

Message Text

UNCLASSIFIED

PAGE 01 ADDIS 03169 200752Z
ACTION L-03

INFO OCT-01 AF-10 ISO-00 SSO-00 ICA-20 JUSE-00 /034 W
-----110814 200756Z /14

O 200710Z JUL 78
FM AMEMBASSY ADDIS ABABA
TO SECSTATE WASHDC IMMEDIATE 9092

UNCLAS ADDIS ABABA 3169

E.O. 11652 N/A
TAGS: ACLM, ET
SUBJECT: CLAIM AGAINST THE UNITED STATES GOVERNMENT FOLLOWING
FATAL TRAFFIC ACCIDENT INVOLVING USG EMPLOYEE

REF: ADDIS ABABA 8599, 2 FAM 280

1. IT SEEMS NOW CERTAIN THAT THE SURVIVORS OF THE DECEASED VICTIM OF THE FATAL AUTOMOBILE ACCIDENT INVOLVING AN AMERICAN U.S. GOVERNMENT EMPLOYEE WILL LODGE A CIVIL SUIT AGAINST THE EMBASSY. PARTICULARS OF THE ACCIDENT WERE DESCRIBED IN REFTEL. A CORRECTION TO REFTEL IS, HOWEVER, REQUIRED. ALTHOUGH IT WAS THOUGHT AT THE TIME OF ACCIDENT THAT THE USG VEHICLE WAS INCLUDED IN THE EMBASSY'S FLEET INSURANCE POLICY, IT HAS SUBSEQUENTLY BEEN LEARNED THROUGH DISCUSSIONS WITH THE INSURANCE COMPANY THAT THE ACCIDENT VEHICLE WAS, IN FACT, NOT REPEAT NOT INCLUDED IN THE POLICY. THE VEHICLE, PROPERTY OF USIS WAS INSURED UNDER ANOTHER POLICY WHICH HAD EXPIRED. THE ACCIDENT VEHICLE WAS NOT COVERED UNDER THE EMBASSY'S FLEET POLICY DUE TO ADMINISTRATIVE ERROR.

2. WILLS (SEE REFTEL), OPERATOR OF THE VEHICLE WAS DRIVING THE USG AUTO UNDER AN OFFICIALLY APPROVED EMBASSY POLICY OF SELF-DRIVE. HE WAS UNAWARE THAT THE VEHICLE WAS NOT INSURED. THEREFORE, IT IS BELIEVED THAT THE RESPONSIBILITY FOR DAMAGES RESTS WITH THE EMBASSY.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 ADDIS 03169 200752Z

3. PRELIMINARY DISCUSSIONS WITH THE SURVIVORS USING OUR INSURANCE COMPANY AS THE GO-BETWEEN INDICATE THEY INTEND TO TAKE THE MATTER TO CIVIL COURT IN ORDER TO CLAIM COMPENSATION. AT THE SAME TIME THERE ARE INDICATIONS THAT THEY MIGHT BE WILLING TO SETTLE OUT OF COURT.

4. DURING LONG AND DETAILED DISCUSSIONS WITH OUR INSURANCE COMPANY AND DRAWING UPON ITS EXPERIENCE WITH ETHIOPIAN COURTS, OUT-OF-COURT SETTLEMENTS GENERALLY FAVOR THE DEFENDANT, I.E., THE USG IN THIS CASE. ON THE OTHER HAND, LOCAL COURTS FOLLOW A GENERAL GUIDELINE OF COMPUTING WHAT THE DECEASED MIGHT HAVE EARNED IN HIS NATURAL LIFETIME, COMPOSITION OF HIS FAMILY AND MAKE AN AWARD TO THE SURVIVORS ACCORDINGLY. WE HAVE A COPY OF A COURT FINDING SIMILAR TO THIS CASE WHICH FOLLOWS THIS PATTERN. USING THIS FORMULA AND BY GOING TO COURT A JUDGMENT OF \$10,000 - 15,000 MIGHT REASONABLY BE EXPECTED AGAINST THE EMBASSY.

5. IT HAS BEEN SUGGESTED THAT THE CLAIMANTS MIGHT BE WILLING TO SETTLE OUT-OF-COURT FOR U.S.\$4,500. THIS AMOUNT COULD GO EITHER UP OR DOWN AT THE NEGOTIATING TABLE. THE INCENTIVE FOR THE CLAIMANT TO SETTLE OUT-OF-COURT WOULD BE TO EXPEDITE PAYMENT OF CLAIM. IT IS UNDERSTOOD THAT IF THE CASE WERE BROUGHT TO COURT A PERIOD OF 2 - 3 YEARS MIGHT BE INVOLVED. FURTHER, THERE IS NO REASON TO EXPECT LOCAL COURTS TO BE ESPECIALLY FRIENDLY TOWARD THE EMBASSY GIVEN THE PRESENT STATE OF RELATIONS BETWEEN THE U.S. AND ETHIOPIA. THE DEPARTMENT IS URGENTLY REQUESTED TO AUTHORIZE EMBASSY TO NEGOTIATE OUT-OF-COURT SETTLEMENT SINCE THIS APPEARS TO BE QUICKEST AND LEAST EXPENSIVE SOLUTION. IT WOULD ALSO REMOVE POTENTIAL IRRITANT TO BILATERAL RELATIONS WHICH USG
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 ADDIS 03169 200752Z

IS WORKING HARD ON TO IMPROVE.

7. IT WOULD, AT THE SAME TIME, BE APPRECIATED IF THE POST BE AUTHORIZED TO PROCURE LEGAL SERVICES IN CONNECTION WITH THIS CASE SHOULD THEY BECOME NECESSARY.
CHAPIN

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978ADDIS03169
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780297-1029
Format: TEL
From: ADDIS ABABA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780740/aaaabhlz.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8f6e3570-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 ADDIS ABABA 8599
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1948826
Secure: OPEN
Status: NATIVE
Subject: CLAIM AGAINST THE UNITED STATES GOVERNMENT FOLLOWING FATAL TRAFFIC ACCIDENT INVOLVING USG EMPLOYEE
TAGS: ACLM, ET
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/8f6e3570-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014